

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0819-01
Bill No.: Perfected HB 162
Subject: Firearms and Fireworks; Federal - State Relations
Type: Original
Date: April 30, 2013

Bill Summary: This proposal establishes the Missouri Firearms Freedom Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Criminal Records	(\$30,000)	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(\$30,000)	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	Unknown	Unknown	Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator, Department of Public Safety (Missouri Highway Patrol, Capitol Police, and the State Emergency Management Agency)** assume the underlying bill would not fiscally impact their respective agencies.

Officials from the **Attorney General's Office** did not respond to our request for fiscal impact.

Oversight assumes the underlying bill would not have a direct fiscal impact on state or local governments.

House Amendment 1 - anonymous fingerprint background check:

In response to a similar proposal from this year (HB 379), officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated The Criminal Justice Information Services Division (CJIS) receives and processes all fingerprint cards. A 2006 upgrade to the state Automated Fingerprint Identification System (AFIS) implemented what is called a "partial lights out" process. When a submission comes into AFIS, two types of searches are launched: a technical search, which is solely a fingerprint based search that looks for possible matching fingerprints in the state AFIS database, and a name search against our criminal history system (CCH). The name search looks for a match on the exact name and date of birth (plus or minus one year) on the incoming submission. If the technical and name searches come back with only one possible candidate for both, the AFIS and CCH systems are automatically updated with the new information and immediately sends that back to the submitting agency electronically so they know the outcome of the search. If neither the technical nor the name based searches produce any viable candidate, AFIS and CCH systems insert that new record as a new person in the systems. If AFIS should come back with a positive hit, and CCH does not, or vice versa, those prints have to be manually compared by an examiner. If this legislation were to pass, the effect would be the negation of the entire lights out process on any CCW submissions coming into AFIS, since a lights out search would not be possible without the name search capability. This would result in every single CCW submission needing to be manually compared by an examiner.

The FBI mandates that certain information be present in order for them to process a fingerprint submission. The FBI requires that the name be present. To ensure accuracy, the system conducts a technical search of the prints and a name search for comparison purposes. In order for this legislation to be implemented, it would require a change at the FBI level which would not be

ASSUMPTION (continued)

possible at this time. Currently, the state system mirrors the federal system. If a change were implemented, the AFIS vendor would have to be notified so that modifications could be made to the system. The estimated cost for this system modification has been determined by MorphoTrak, the state AFIS vendor, to be a minimum of \$30,000. However, the final cost could be much higher depending on the actual man hours needed to make the modifications.

In 2012, 37,687 CCW transactions were processed through AFIS. CJIS estimates that there will be approximately the same amount of transactions for 2013. If all of these would need to be manually compared as a result of this legislation, and one examiner processes an average of 100 per day, AFIS would need an additional 2 FTE to manually process this work.

Currently, the requests are processed by a Fingerprint Technician. These technicians would be dedicated to solely performing manual comparisons of these fingerprints in order to be able to handle the workload on a 7 days per week basis.

1 FTE = 1,856 hours (average work hours per year) x 60 minutes per hour = 111,360 minutes per year.

Estimated 38,000 fingerprint submissions for a CCW per year x 5 minutes per process = 190,000 minutes per year. 190,000 minutes per year to process fingerprint submissions divided by 111,360 minutes per year per FTE = 2 FTE.

These FTEs would be 1st and 2nd shift employees. A one-time cost of \$3,566 per FTE for standard equipment would be required. There would be recurring costs of \$650 per year per FTE for office supplies and phone charges.

2 Fingerprint Technicians (\$1,078.50*24)	\$51,768
Office Equipment/HW/SW per FTE	\$ 3,566
Recurring Costs	
Phone Charges per FTE	\$350
Office Supplies per FTE	\$300
System Modifications (MorphoTrak)	\$30,000

Oversight assumes the number of applicants taking advantage of this option (and paying the additional \$100 fee) would not rise to the level of requiring an additional FTE by the Missouri Highway Patrol. If incorrect in this assumption, Oversight assumes the MHP could request

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ASSUMPTION (continued)

additional personnel through the normal appropriations process. Oversight will reflect the cost of \$30,000 for system modifications as estimated by the MHP.

Officials from the **Department of Revenue** assumed the proposal would not fiscally impact their agency.

Officials from the **Boone County Sheriff's Office** assumed the additional \$100 application fee would general an unknown amount of revenue.

House Amendment 2 - Concealed carry permits for 19 year olds:

In response to a similar proposal from this year (HB 92), officials from the **Department of Revenue (DOR)** stated Section 571.101 changes the minimum age for a concealed carry weapons endorsement from 21 to 19 years of age. Additionally, this legislation changes the minimum age requirement for a spouse of a member of the military stationed in Missouri to be eligible for concealed carry endorsement from 21 to 19 years of age.

DOR stated the proposed changes to this section will require the Department to:

- Draft updates to web site information related to concealed carry endorsement issuance;
- Update office procedures;
- Modify forms and notices;
- Work with the Sheriffs' Association to ensure all sheriff agencies are notified of the minimum age change; and
- Develop requirements and testing of modifications to the Missouri Electronic Driver License Central Issuance system and supporting applications to implement the required age edits for non-military from 21 to 19 years of age.

For FY 2014, DOR assumed the following expense withing their Driver License Bureau:

Administrative Analyst	120 hrs @ \$24 (1 ½) per hr =	\$2,880
Management Analysis Spec II	130 hrs @ \$23 per hr =	\$2,990
Revenue Band Manager	10 hrs @ \$30 per hr =	<u>\$ 300</u>
		\$6,170

ASSUMPTION (continued)

DOR also assumed the following expense within their Personnel Services Bureau - Forms, procedure and web updates:

Administrative Analyst III	10 hrs @ \$22 per hr =	\$ 220
Management Analysis Spec I	80 hrs @\$21 per hr =	<u>\$1,680</u>
		\$1,900

DOR also assumed the proposal will have the following impact on the Office of Administration - Information Technology Services Division (OA-ITSD):

Modification of minimum age edit in driver license issuance system. Programming is estimated at 40 hours:

1 CIT at \$27.05 per hr x 40 hrs = \$1,082

In summary, DOR assumed a cost of \$9,152 (\$6,170 + \$1,900 + \$1,082) in FY 2014 to implement the changes from this proposal.

DOR also stated the change in the minimum age requirement may increase the volume of concealed carry weapon endorsement applicants, which may increase revenue for the driver license or nondriver license fees. The number of applicants is unknown, but expected to be minimal.

Oversight assumes DOR is provided with core funding to handle a certain amount of legislative activity each year. Oversight assumes DOR could absorb the costs related to this proposal within their annual budget. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

In response to a similar proposal from this year (HB 92), officials from the **Department of Public Safety - Missouri Highway Patrol** assumed the proposal would not fiscally impact their agency.

In response to a similar proposal from this year (HB 92), officials from the **Boone County Sheriff's Department** stated revenues will be generated by lowering the eligibility age from 21 to 19. It is unknown how many persons 19 or 20 years of age will apply for CCW permits with the passage of this legislation. Therefore, an accurate estimation of how much revenue would be generated cannot be provided.

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ASSUMPTION (continued)

Applicants for a concealed carry permit must submit a nonrefundable fee not to exceed \$100 to the Sheriff to cover various costs included in the application process. **Oversight** assumes a minimal number of new applications will result from this bill and; therefore, will reflect a 'Unknown' amount of fee revenue for the counties.

House Amendment 3 - concealed carry exemption for members of an ambulance service:

Oversight assumes this amendment would not create a fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
CRIMINAL RECORDS FUND			
<u>Costs</u> - Missouri Highway Patrol for system enhancements to implement anonymous fingerprint background checks (HA1)	<u>(\$30,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE CRIMINAL RECORDS FUND	<u>(\$30,000)</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2014 (10 Mo.)	 FY 2015	 FY 2016
LOCAL POLITICAL SUBDIVISIONS			
<u>Income</u> - Sheriff's Revolving Funds from \$100 fee for submitting anonymous fingerprint background check (HA1)	Unknown	Unknown	Unknown
<u>Income</u> - Sheriff's Revolving Funds from reducing the age limit for concealed carry from 21 to 19 (HA2)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>UNKNOWN</u>	<u>UNKNOWN</u>	<u>UNKNOWN</u>

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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposal would allow an applicant for a concealed carry endorsement to have the fingerprint background check be done anonymously for an additional fee.

The proposal would change the minimum age at which a person could be issued a concealed carry endorsement from twenty-one (21) years of age to nineteen (19) years of age.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of the State Courts Administrator
Boone County Sheriff's Office
Department of Revenue

Not Responding:

Attorney General's Office



Ross Strobe
Acting Director
April 30, 2013